

**National Library Week 2010
Proclamation**

WHEREAS, libraries everywhere play a vital role in supporting the quality of life in their communities;

WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever;

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy;

WHEREAS, libraries serve as crucial technology hubs for people in need of free Web access, computer training, and assistance finding job resources;

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning;

WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend;

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week;

I encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library. Communities thrive at your library.

NOW, THEREFORE,

be it resolved that

I, Thomas P. Hanafan, Mayor of Council Bluffs, IA

proclaim

April 11-17, 2010,

as National Library Week

Council Communication

Department: Community Development CASE # URV-10-003	Resolution No. <u>10-111</u> Ordinance No. _____	City Council: 4/12/2010 Public Hearing 5/24/2010 1 st Reading: 5/24/2010 2 nd Reading: 6/14/2010 3 rd Reading: 6/28/2010
Subject/Title The 510 Bluff Street LLC (Developer) has submitted a proposal to renovate the vacant Kim Gym as a twenty unit multi family project consisting of studio, one and two bedroom units. Assistance has been requested in the form of 10 year tax abatement through Chapter 404 of the Iowa Code and \$200,000 in HUD EDI or NSP1 funds.		
Background/Discussion The Iowa Code permits the City to establish urban revitalization areas which satisfy one of the four conditions outlined in Section 404.1. Based on the current condition of the property and its historic designation, staff believes designation would be consistent under conditions 1 and 3. These conditions include blight and preservation of historic properties. Staff has prepared a resolution of intent to establish this project area as an urban revitalization area. The resolution directs staff to develop an urban revitalization plan as required by the Iowa Code, notify property owners and set May 24, 2010 as a public hearing date. Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the urban revitalization area can be considered. Upon adoption of the area, the City is permitted to grant tax abatement to qualified projects. Prior to the date of public hearing staff will provide additional information on the type and amount of public assistance recommended for the project.		
Recommendation The Community Development Department recommends City Council adopt resolution of necessity and intent to establish an urban revitalization plan and area for property located at 510 Bluff Street.		

Submitted by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 10-111

A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH AN URBAN REVITALIZATION AREA FOR 510 BLUFF STREET LEGALLY DESCRIBED AS LOTS 1 - 6, BLOCK 6, JACKSONS ADDITION TO THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the subject area is an appropriate area as defined in Sections 404.1.1 and 404.1.3 of the Iowa Code; and

WHEREAS, 510 Bluff Street LLC proposes the renovation of the former Kirn Gym as a 20 unit multi-family housing project; and

WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and

WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and

WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Sections 404.1.1 and 404.1.3.

BE IT FURTHER RESOLVED

That the City Council directs staff prepare a proposed plan pursuant to Section 404.2 of the Iowa Code by April 24, 2010.

BE IT FURTHER RESOLVED

That the City Council directs the City Clerk to set this matter for public hearing on May 24, 2010.

**ADOPTED
AND
APPROVED:**

April 12, 2010

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden

City Clerk

Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. _____ Resolution No. <u>10-112</u>	Date: <u>April 12, 2010</u>
Case/Project No.		
Applicant: Larry N. Foster		
Subject/Title		
City Council consideration of a resolution approving plans, specifications, and form of contract for the Council Bluffs Parks – Park Lighting Project and authorizing the City Clerk to advertise for bids for said project, and setting the bid date for April 27, 2010, at 10:00 a.m.		
Background/Discussion		
<p>The proposed project will provide the repairs needed, as a result of storm related damage, to the light fixtures on athletic fields, tennis courts and area lighting, in accordance with the recently completed condition analysis. Specifically, sports lighting repairs will be provided to facilities in Bahnsen, Roberts, Valley View, Sunset and Kimball Parks. The repairs will include replacement of light reflectors and lenses. In some cases, the complete fixtures will be replaced.</p> <p>The Engineer's cost estimate for this project is \$61,257.00.</p> <p>Funding for this project will be provided by the following sources:</p> <ul style="list-style-type: none">• Insurance reimbursement already received - \$53,540.00.• Contribution for 08-09 CIP, GO Bonds programmed for Park and Recreation activities – Project #09-05-PR - \$7,717.00.		
Recommendation		
I recommend that the City Council adopt the resolution approving plans, specifications and form of contract and authorizing the City Clerk to advertise for bids for said project and setting bid date for April 27, 2010, at 10:00 a.m.		

Larry N. Foster

Thomas P. Hanafan

RESOLUTION NO. 10-112

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE COUNCIL BLUFFS PARKS – PARK LIGHTING PROJECT AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS AND SETTING THE BID DATE FOR APRIL 27, 2010, AT 10:00 A.M.

WHEREAS, the City of Council Bluffs desires to repair damage to park lighting from the 2008 hail storm; and

WHEREAS, a Notice of Public Hearing was published as required by law and a Public Hearing was held on April 12, 2010.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications and form of contract for the Council Bluffs Parks – Park Lighting Project are hereby approved and the City Clerk is hereby authorized to advertise for bids for said project and setting bid date for April 27, 2010, at 10:00 a.m.

ADOPTED
AND
APPROVED

April 12, 2010

Thomas P. Hanafan

Mayor

Attest:

Marcia L. Worden

City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY10-04C
Applicant: Matthew Cox, City Engineer

Ordinance No. _____
Resolution No. 10-113

First Reading April 12, 2010

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting May 13, 2010, at 10:00 a.m. as the date and time for the bid opening for the Hazel Street Restoration. Project #FY10-04C.

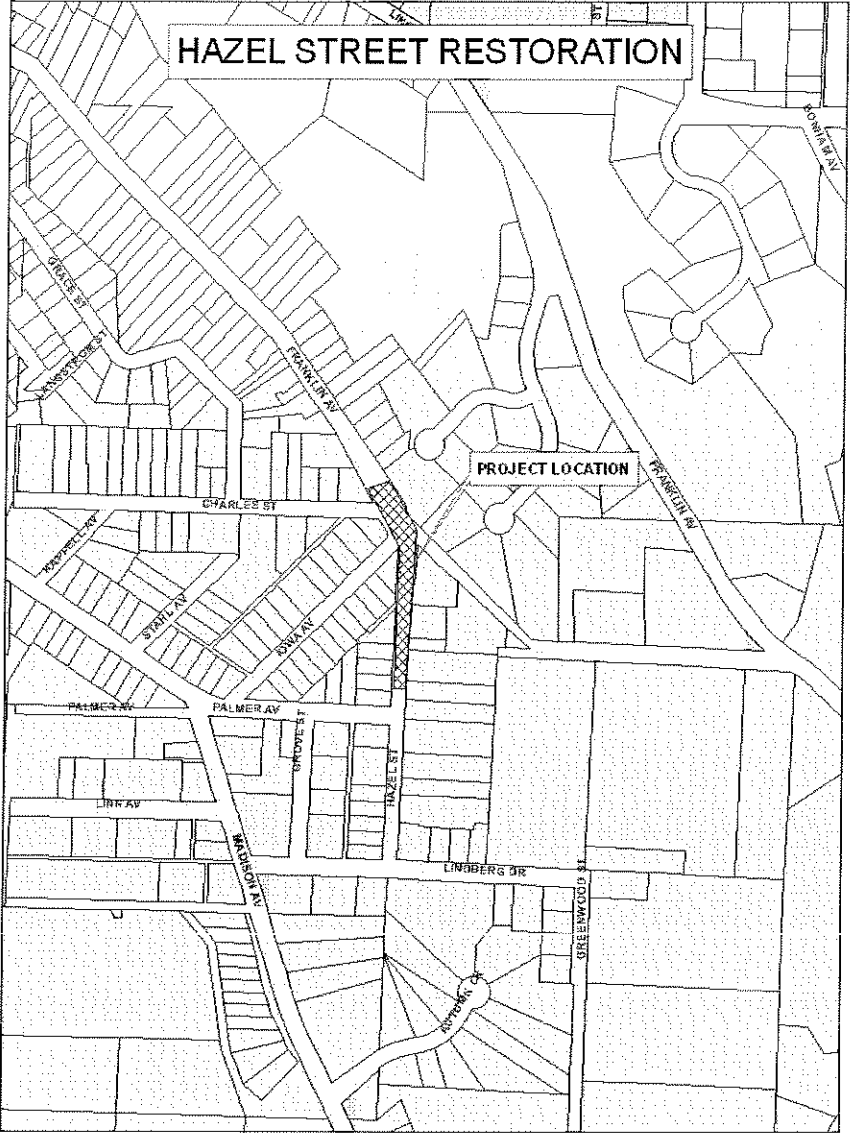
BACKGROUND/DISCUSSION

- Hazel Street is in the Loess Hills area south of Broadway and east of downtown in an older developed area of the city.
- Between Charles St. and Palmer Ave., Hazel Street splits into a lower roadway and an upper roadway.
- Between the two roadways is a steep vertical embankment covered by trees and brush. The "cliff" is approximately 30 feet at it's highest point.
- Intense rainfall events during the Spring of 2008 resulted in the excessive erosion and partial collapse of the upper roadway. The upper roadway provides alternate access to several properties and is currently closed due to unsafe conditions.
- FEMA was contacted and they conducted an evaluation of the problem. FEMA concluded that the erosion problem was related to the June, 2008 storm and that the repair costs are eligible for federal funds.
- In response to a request by FEMA to develop repair alternatives, the city hired HGM to study and present options that would return the area to a stable condition.
- FEMA approved a design alternative which included a combination of fill and wall construction and replacment of damaged sanitary sewer and street pavement.
- FEMA will fund 90% of the construction costs and the city will be responsible for the remaining 10%.
- Estimated construction and engineering cost is approximately \$1,000,000. The city's share will be approximately \$100,000.
- The project has been added to the CIP as FY10-04C and the local match will be funded by sales tax.
- The project schedule is as follows:

Public Hearing	April 12, 2010
Bid Letting	May 13, 2010
Award	May 24, 2010
Construction Complete	October 30, 2010

RECOMMENDATION

Approval of this resolution.



RESOLUTION
NO 10-113

**RESOLUTION APPROVING THE PLANS, SPECIFICATIONS,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
HAZEL STREET RESTORATION
FY10-04C**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Hazel Street Restoration; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on April 12, 2010.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the Hazel Street Restoration and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED

April 12, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY11-08
Applicant: Matthew Cox, City Engineer

Ordinance No. _____
Resolution No. 10-114

First Reading April 12, 2010

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting May 11, 2010, at 10:00 a.m. as the date and time for the bid opening for South 13th Street Improvements-Phase V. Project #FY11-08

BACKGROUND/DISCUSSION

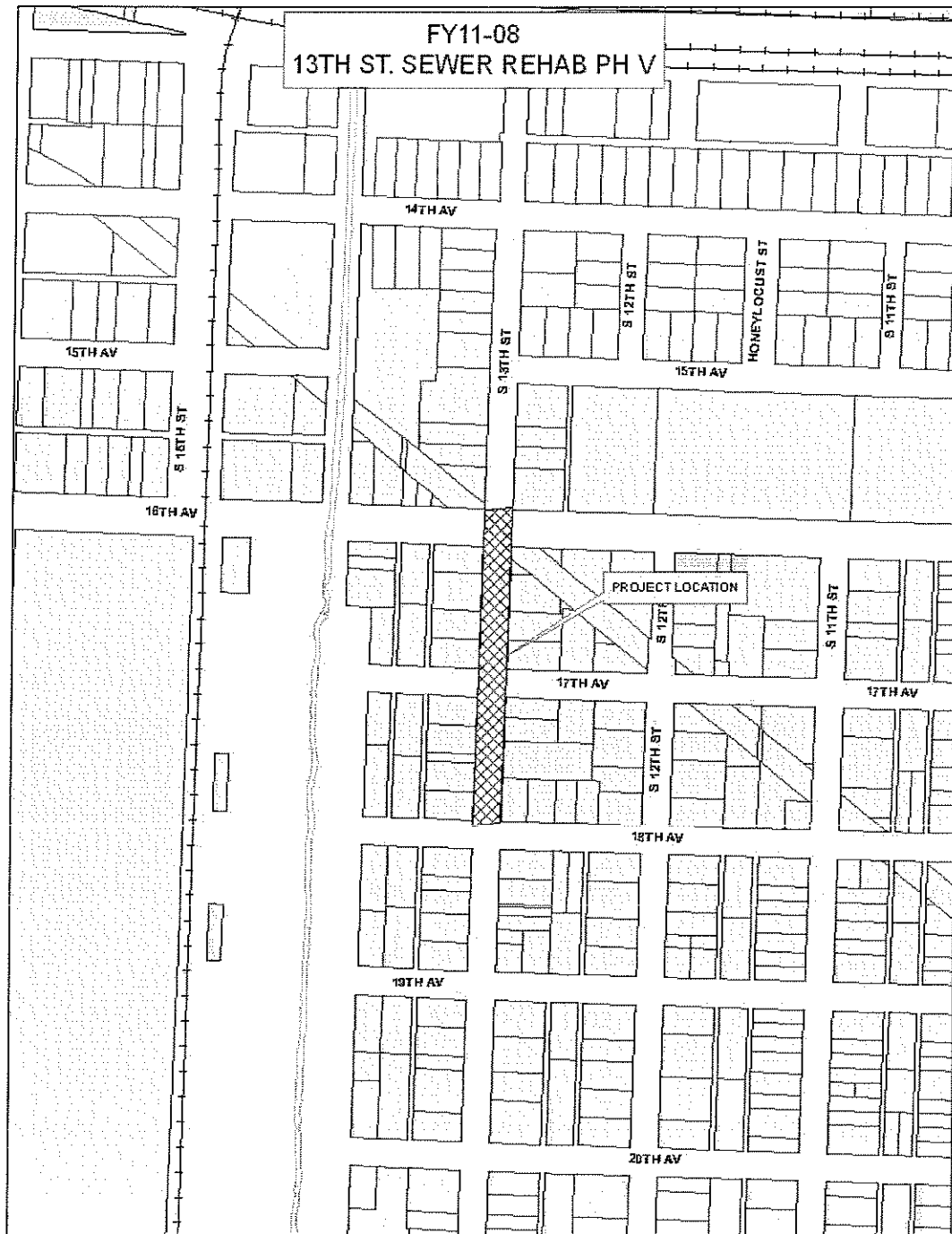
- 13th Street sanitary sewer is a major collector sewer in the system. It collects two thirds of the sewage in the Indian Creek Basin.
- The sewer directs flow to the 29th Avenue Pump Station. The pump station was replaced in 2005-2006. The outfall sewer from 29th Avenue Pump Station to I-80 Pump Station was replaced between 1999 and 2003.
- The 13th Street sewer starts out as a 66" inch pipe at 28th Avenue and incrementally reduces in size to Broadway where it is a 30" inch pipe. The sewer is of brick or concrete construction and is at least 50 years old.
- The sewer is in need of replacement and is programmed to be phased over several years.
- The pipe and streets will be evaluated to determine the most effective rehab method. These methods will include pipe lining (with limited street patching) or open trench excavation with street replacement.
- Phase I project was completed in 2006 and constructed a siphon under Indian Creek from 13th Street sanitary sewer to 15th Street sanitary sewer.
- Phase II was completed in 2007 and included a new sanitary sewer, pavement and storm sewer from 28th Avenue to approximately 25th Avenue. It included a new pipe under Indian Creek.
- Phase III was completed in 2008 and included a new sanitary sewer, pavement and storm sewer from 25th Avenue to 22nd Avenue.
- Phase IV is under construction currently and includes a new sanitary sewer, pavement and storm sewer from 22nd Avenue to 18th Avenue.
- The Phase V project is identified as FY11-08 in the CIP and has a budget of \$700,000 in sales tax funds and will involve construction of a new sanitary sewer, pavement and storm sewer from 18th Avenue to North of 16th Avenue.
- The project schedule is as follows:

Public Hearing	April 12, 2010
Bid Letting	May 11, 2010
Award	May 24, 2010
Construction Completion	October 30, 2010

RECOMMENDATION

Approval of this resolution.

FY11-08
13TH ST. SEWER REHAB PH V



RESOLUTION
NO 10-114

**RESOLUTION APPROVING THE PLANS, SPECIFICATIONS,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
SOUTH 13TH STREET IMPROVEMENTS-PHASE V
FY11-08**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the South 13th Street Improvements-Phase V; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on April 12, 2010.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the South 13th Street Improvements-Phase V and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED April 12, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading April 12, 2010
Case/Project No.: FY11-17 Resolution No. 10-115
Applicant: Matthew Cox, City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting May 6, 2010 at 10:00 a.m. as the date and time for the bid opening for the 32nd Avenue Storm Sewer From So. 11th St. to So. 7th St. Project # FY11-17.

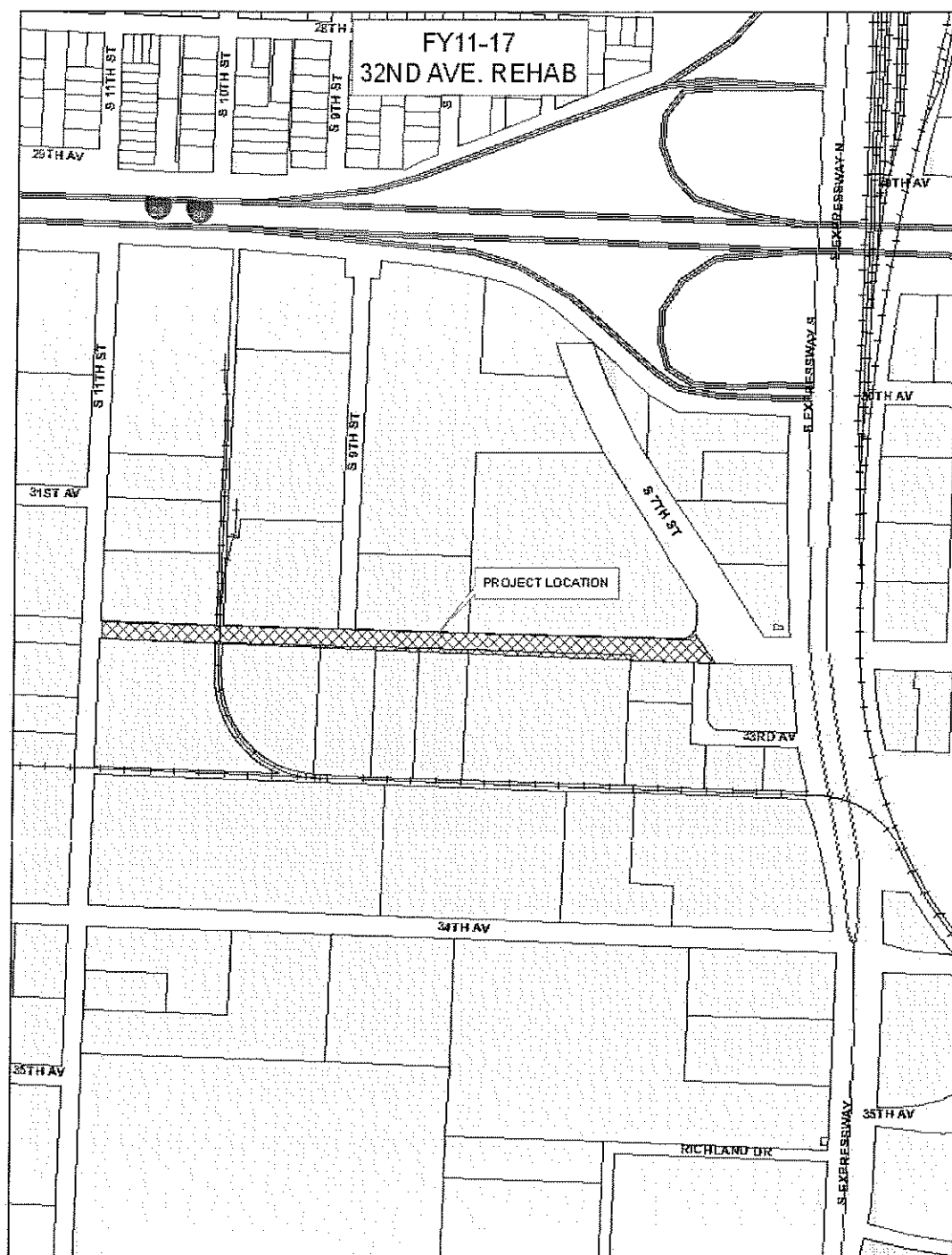
BACKGROUND/DISCUSSION

- The area south of Interstate I-80/I-29 and west of the South Expressway has no storm sewer.
- This area is served by open ditches and culverts and is a developed light industrial area with several automobile dealerships.
- The area experiences flooding and standing water in the drainage way ditches during moderate to heavy rainfall events.
- This project is the second in a three phase plan to serve this area with storm sewer. The improvements will close the drainage way ditches and upgrade the area.
- The first phase constructed storm sewer on South 11th St. from US Hwy 275 north to I-80.
- This project is located on 32nd Avenue from So. 11th St. to So. 7th St.
- This project is identified as FY11-17 in the CIP and is funded with \$700,000 in G.O. Bonds and \$700,000 in sales tax.
- The project schedule is as follows:

Public Hearing	April 12, 2010
Bid Letting	May 6, 2010
Award	May 10, 2010
Construction Completion	October 29, 2010

RECOMMENDATION

Approval of this resolution.



RESOLUTION
NO 10-115

**RESOLUTION APPROVING THE PLANS, SPECIFICATIONS,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
32ND AVENUE STORM SEWER FROM SO. 11TH ST. TO SO. 7TH ST.
FY11-17**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the 32nd Avenue Storm Sewer From So. 11th St. to So. 7th St.; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on April 12, 2010.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the 32nd Avenue Storm Sewer from So. 11th St. to So. 7th St. and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED April 12, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

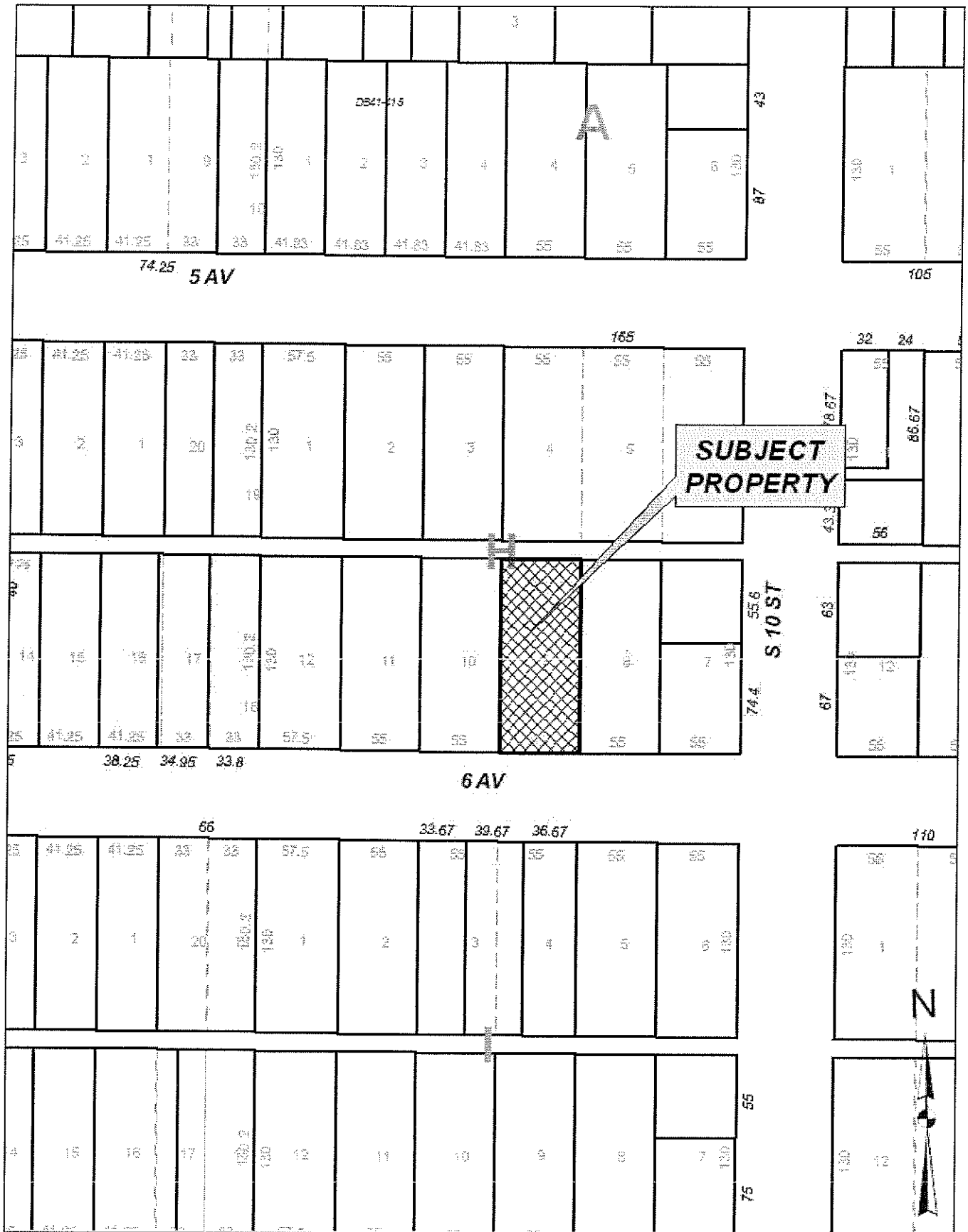
Council Communication

Department: Community Development Offer To Buy City Property Applicant: Lyn Sievers	Resolution of Intent No. <u>10-89</u> Resolution to Dispose No. <u>10-116</u>	Set Public Hearing: 03/29/10 Public Hearing: 04/12/10
Subject/Title Request of Lyn Sievers, 1006 – 6 th Avenue, Council Bluffs, IA 51501 to purchase Lot 9, Block H, Curtis and Ramsey Addition, previously known as 1010 – 6 th Avenue.		
Background/Discussion Lyn Sievers has submitted an Offer to Buy for Lot 9, Block H, Curtis and Ramsey Addition (previously 1010 – 6 th Avenue). The applicant owns the property abutting directly on the east. The City acquired this property through a 657A process in March, 2007 and the house was removed in April, 2007. This lot measures 55 feet wide by 130 feet long (7,150 square feet) and is currently zoned R-3/Low Density Multi-Family Residential. The applicants have offered \$9,000 for the property. Because the lot is City owned, the Pottawattamie County Assessor places no assessed value on this lot. The lots to the east and west however, which are the same size, are both assessed at \$11,070 each. To date, the City's costs associated with this property amount to \$8,028.00. Considering the City's costs, assessed values of surrounding properties, the general condition of the neighborhood area and the lack of development interest in this parcel, staff believes the offer submitted is reasonable.		
Recommendation The Community Development Department recommends disposal of Lot 9, Block H, Curtis and Ramsey Addition to Lyn Sievers for the sum of \$9,000.		
Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		

Dwlg removed for 1/1/2008



OFFER TO BUY - SIEVERS



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 10-116

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 9, BLOCK H, CURTIS AND RAMSEY ADDITION.

WHEREAS, this City Council previously expressed its intent to dispose of Lot 9, Block H, Curtis and Ramsey Addition, previously known as 1010 – 6th Avenue; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Lyn Sievers and all successors in interest: Lot 9, Block H, Curtis and Ramsey Addition for the sum of \$9,000 (Nine Thousand and no/100 dollars).

ADOPTED
AND
APPROVED:

April 12, 2010

Thomas P. Hanafan Mayor

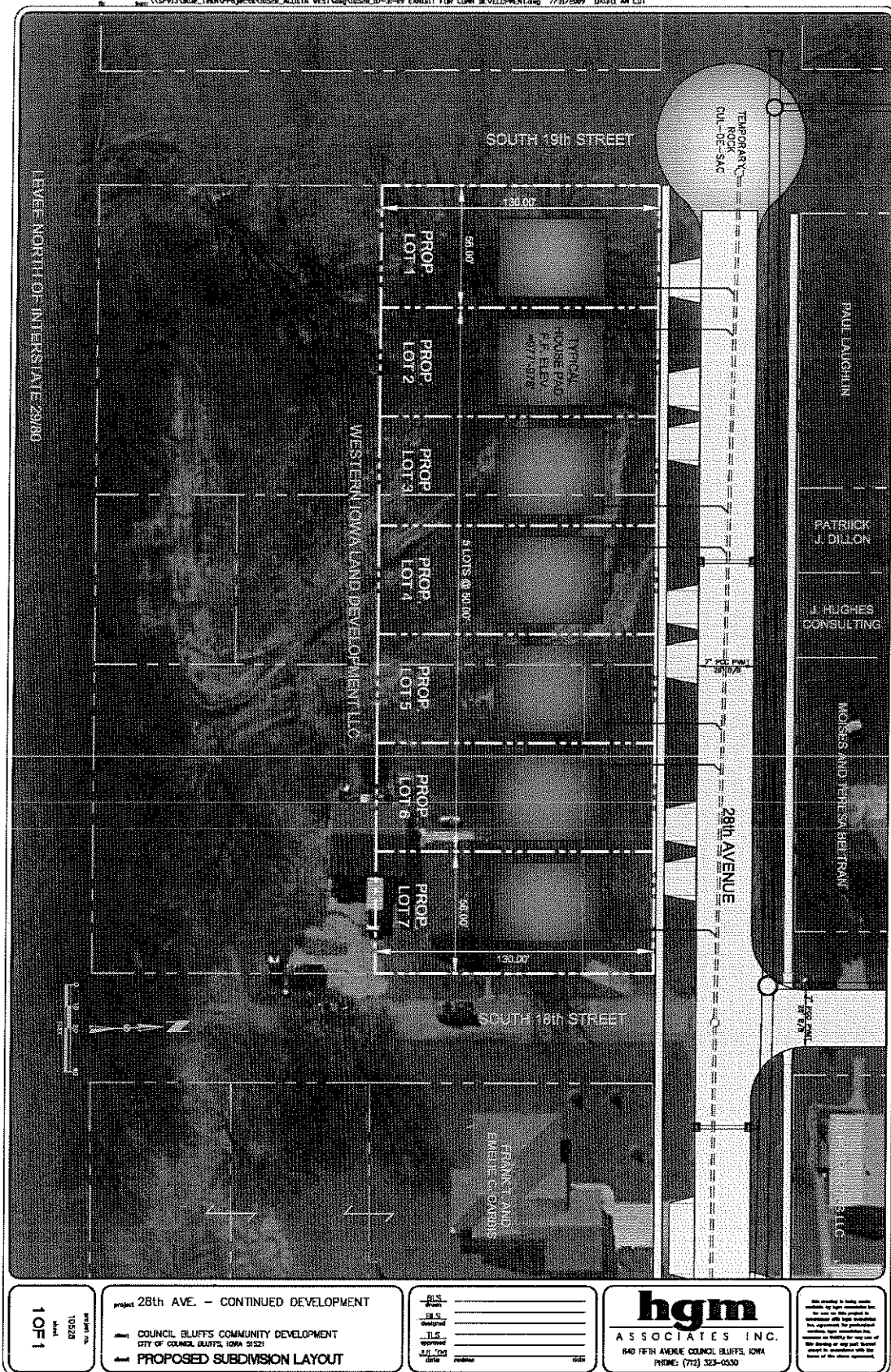
ATTEST:

Marcia L. Worden City Clerk

Council Communication

Department: Community Development Case/Project No.: FY-20B	Ordinance No.: N/A Resolution No.: <u>10-93</u> Resolution No.: <u>10-117</u>	City Council: 3-29-10 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: 4-12-10
Subject/Title		
28 th Avenue Reconstruction Phase II		
Location		
28 th Avenue between South 17 th & 19 th Streets		
Background/Discussion		
<u>Background</u> The City has been working on developing and redeveloping the area south of 23 rd Avenue and west of Indian Creek for several years. This has involved the installation of infrastructure to support several residential infill subdivisions. To date, approximately 150 lots have been created. The project has been initiated and completed in several phases due to financial constraints. As revenues are secured additional phases can be initiated. The current phase of the project includes 28 th Avenue from South 17 th Street to South 19 th Street. This phase of the project will result in the creation of seven (7) single family lots.		
<u>Discussion</u> This project is being developed in two phases. Phase I of the project involved grading the site and Phase II will involve the sewer lateral extensions, storm sewer intakes and piping, water main extension and street paving. Phase I of the project was accepted by the City Council on January 11, 2010 by Resolution 10-08.		
The Community Development Department, Public Works and HGM Associates have determined a timeline for the street portion of the project. It is anticipated that existing project fund balances and CDBG-R revenues will be sufficient to pay for project costs. In order to proceed, we are asking City Council to set a public hearing on the plans, specifications and form of contract. This public hearing shall be held on April 12, 2010 at 7:00 p.m. in the City Council Chambers. The rest of the timeline shall be as follows:		
April 29, 2010	Bid letting	
May 10, 2010	City Council award	
July 16, 2010	Construction work complete	
Staff Recommendation		
The Community Development Department recommends approval of the resolution directing the City Clerk to publish notice and set a public hearing on the plans, specifications and form of contract for the 28 th Avenue Reconstruction Project Phase II.		
Attachments		
Concept Plan		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
 Approved by: Donald D. Gross, Director, Community Development Department



10520
Sheet
1 OF 1

Project 28th AVE. - CONTINUED DEVELOPMENT
 City of COUNCIL BLUFFS COMMUNITY DEVELOPMENT
 CITY OF COUNCIL BLUFFS, IOWA 52522
 PROPOSED SUBDIVISION LAYOUT

PLS
 DESIGNED
 BY
 CHECKED
 DATE
 7/31/2009

hgm
 ASSOCIATES INC.
 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
 PHONE: (712) 323-0530

This drawing is being made
 available to the public for
 review and comment. It is
 not intended for construction
 purposes. It is the responsibility
 of the user to verify the accuracy
 of the drawing and to seek legal
 counsel in connection with the
 use of this drawing.

RESOLUTION NO. 10-117

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE 28TH AVENUE RECONSTRUCTION PROJECT PHASE II AND DIRECTING THE CITY CLERK TO ADVERTISE FOR BIDS SETTING APRIL 29, 2010 AT 10:00 A.M. AS THE DATE AND TIME FOR THE BID OPENING FOR THE PROJECT.

WHEREAS, The City wishes to make improvements known as the 28th Avenue Reconstruction Project Phase II within the City, as therein described; and

WHEREAS, This project will involve sewer lateral extensions, storm sewer intakes and piping, a water main extension and the paving of 28th Avenue between South 17th Street and South 19th Street; and

WHEREAS, Such improvements are required to accommodate the further development of the area residentially; and

WHEREAS, The plans, specifications and form of contract for the 28th Avenue Reconstruction Project Phase II are on file in the office of the City Clerk; and

WHEREAS, A Notice of Public Hearing was published as required by law and a public hearing was held on April 12, 2010.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the plans, specifications and form of contract for the 28th Avenue Reconstruction Phase II project are hereby approved and the City Clerk is hereby authorized to advertise for bids for such project, setting April 29, 2010 at 10:00 a.m. as the date and time for the bid opening.

ADOPTED
AND
APPROVED:

April 12, 2010

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden

City Clerk

Council Communication

Department: Community Development Case #SAV-10-001 Applicant: Jennie Edmundson Memorial Hospital	Resolution of Intent No. <u>10-94</u> Resolution to Dispose No. <u>10-123</u>	City Council: 03/29/10 Planning Commission: 03/09/10 Set Public Hearing: Public Hearing:
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Subject/Title

Request of Jennie Edmundson Memorial Hospital, represented by Kim Lammers, 933 East Pierce Street, Council Bluffs, IA 51503 to vacate that part of Kimball Avenue right-of-way which runs southeast from East Pierce Street for 232 feet and abuts Block 3, Hagg's First Addition as shown on the attached map.

Background

Jennie Edmundson Memorial Hospital owns all property surrounding this portion of Kimball Avenue. They would like to maintain it as part of the hospital campus so they are asking that it be vacated. It has been used as the south entrance/emergency entrance for many years. The right-of-way is 30 feet wide by 232 feet long for a total of 6,960 square feet.

Black Hills Energy has a gas main within this portion of right-of-way and MidAmerican Energy has facilities which cross Kimball Avenue along the southerly right-of-way of Pierce Street and also 120 feet to the south which serves the property at 111 Kimball Avenue. A utilities easement will need to be retained.

Council Bluffs Water Works sent the following response: "The Water Works has a 6" main on Kimball southeast from Pierce Street. The Water Works may abandon the main if the street is vacated. Ownership would be transferred to JEMH." The hospital should contact the Water Works for more information.

Comments

Jennie Edmundson Memorial Hospital has used this portion of street as a private entrance for many years. The existing width of the right-of-way would not permit the construction of a standard street.

The City also owns part of Lot 5, Block 3, Hagg's First Addition which was acquired from JEMH in September, 1995 for the purpose of the hospital entrance reconstruction (see attached Acquisition Plat). Because it is not right-of-way, this portion of property will need to be deeded back to the hospital as it will not be included in this vacation process

Recommendation

The Community Development Department recommends vacation of that part of Kimball Avenue right-of-way running southeast from East Pierce Street for 232 feet and abutting Block 3, Hagg's First Addition. An easement will retained across the entire portion.

Public Hearing

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

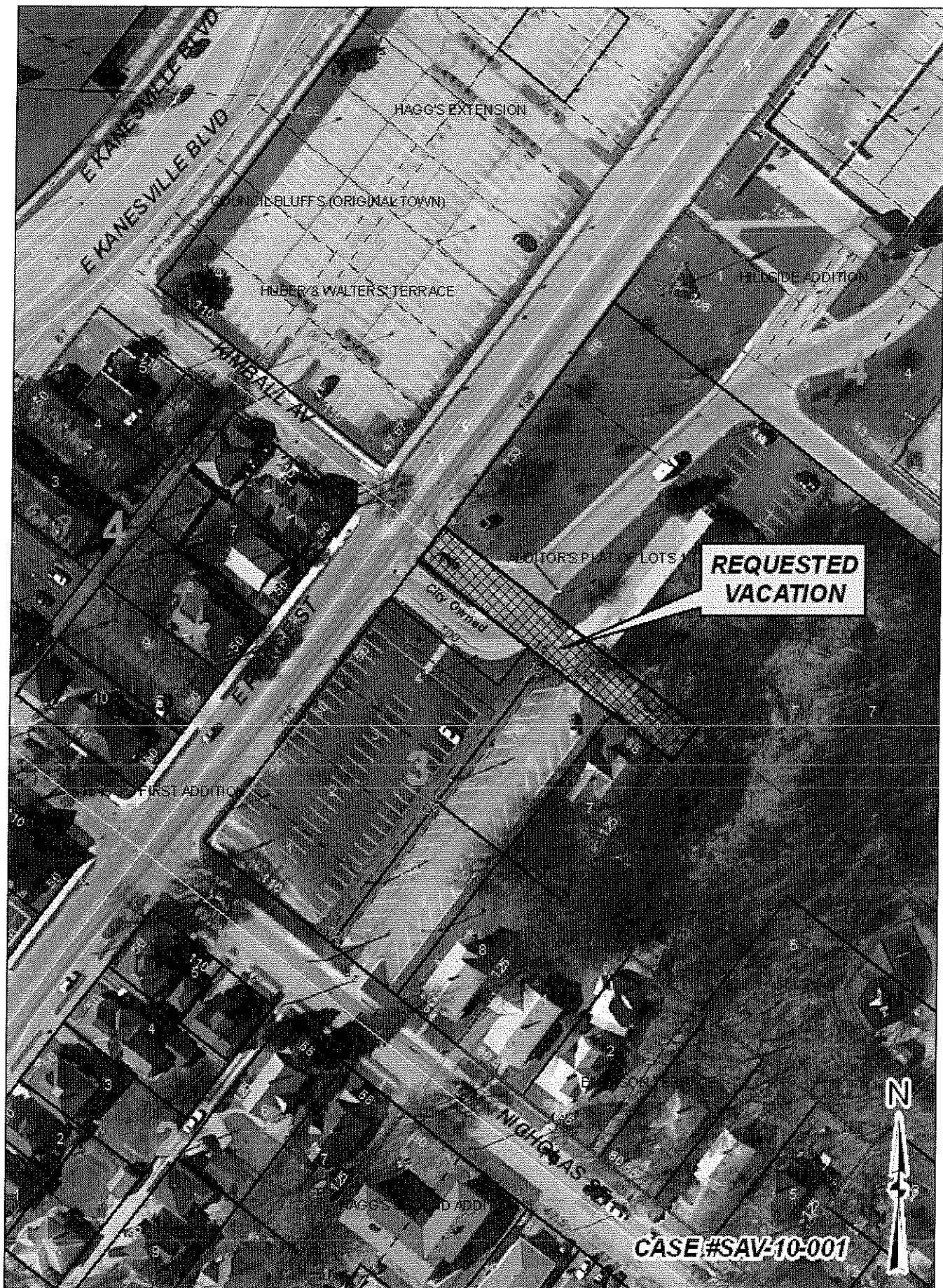
Planning Commission Recommendation

The Planning Commission recommends vacation of that part of Kimball Avenue right-of-way running southeast from East Pierce Street for 232 feet and abuts Block 3, Hagg's First Addition. An easement shall be retained across the entire portion of the vacated street.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments: Map showing requested right-of-way vacation and Acquisition Plat

Prepared By: Rebecca Sall, Planning Technician, Community Development Department



**REQUESTED
VACATION**

CASE #SAV-10-001

ACQUISITION PLAT		TRACT NO. <u>1</u>
EXHIBIT "A", PAGE 1 OF 1		COMPARED
ACQUIRED FROM <u>JENNIE EDMUNDSON HOSPITAL</u>		
PROJECT JENNIE EDMUNDSON HOSPITAL MAIN ENTRANCE RECONSTRUCTION KIMBALL AVENUE RIGHT-OF-WAY COUNCIL BLUFFS, IOWA		TO & STA. _____ R.O.W. <u>0.078</u> ACRES BORROW <u>43W</u> ACRES RANGE <u>75N</u> TWP <u>30</u> SECTION <u>30</u> CIVIL TWP. _____
LEGAL DESCRIPTION A PARCEL OF LAND BEING THE NORTHEASTERLY 34.00 FEET OF THE NORTHWESTERLY 100.00 FEET OF LOT 5, BLOCK 3 IN HAGG'S FIRST ADDITION TO THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA		CONSIDERATION \$ _____ ACQUIRED BY <u>R-O-W DEDICATION & WAR DEED</u> CONTRACT DATED _____
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. <div style="display: flex; justify-content: space-between; align-items: center;"> <div> <i>Melvin G. Samples</i> <small>MELVIN G. SAMPLES</small> <small>BY REGISTRATION NUMBER, DATE IS SEPTEMBER 21, 1988</small> </div> <div style="text-align: right;"> <u>9-1-75</u> <small>DATE</small> </div> </div>		
POTTAWATTAMIE COUNTY. PROJECT NO. <u>10505</u>		FROM & STA. _____ R.O.W. <u>0.078</u> ACRES BORROW <u>43W</u> ACRES RANGE <u>75N</u> TWP <u>30</u> SECTION <u>30</u> CIVIL TWP. _____

86-7895

DATE DRAWN 8-17-95 DRAWN BY MWV

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 328-4616
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: 328-4629

RESOLUTION NO. 10-123

A RESOLUTION TO VACATE AND TO DISPOSE OF THAT PART OF KIMBALL AVENUE WHICH RUNS SOUTHEAST FROM EAST PIERCE STREET FOR 232 FEET AND ABUTS BLOCK 3, HAGG'S FIRST ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: That part of Kimball Avenue right-of-way which runs southeast from East Pierce Street for 232 feet and abuts Block 3, Hagg's First Addition, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owner(s); and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and conveyed as follows:

Jennie Edmundson Memorial Hospital: That part of Kimball Avenue right-of-way which runs southeast from East Pierce Street for 232 feet and abuts Block 3, Hagg's First Addition for the sum of \$1,655.00.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described street right-of-way, and;

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED
AND
APPROVED:

April 12, 2010

Thomas P. Hanafan, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6058</u>	First Reading <u>March 8, 2010</u> Public Hearing Second Reading Third Reading
Subject/Title		
AN ORDINANCE to amend Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by enacting a new Chapter 13.20 to be codified and entitled "Energy Conservation Code".		
Background/Discussion		
This energy code is mandated by the State of Iowa. This new Municipal Code chapter is being proposed to coincide with the State of Iowa regulatory laws concerning energy conservation. The Energy Code administrative Sections 102 through 109 are relocated to Chapter 13.01 of the Municipal Code.		
Significant Amendments		
A portion of the administrative provisions for this code are proposed to be moved to Chapter 13.01 for conformity and simplicity.		
Recommendation		
The Public Works Director and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.		

Public Works Director's Signature

Mayor's Signature

Building Official's Signature

Chapter 303
state building code—requirements for
energy conservation in construction

[Prior to 12/21/05, see rules 661—16.800(103A) to 661—16.802(103A)]

661—303.1 (103A) Scope and applicability of energy conservation requirements.

303.1(1) Scope.

Rules 661—303.1(103A) through 303.3(103A) establish thermal energy efficiency standards for the design of new buildings and structures or portions thereof, additions to existing buildings, and renovation and remodeling of existing buildings, except for residential buildings of one or two dwelling units, which are intended for human occupancy and which are heated or cooled by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating systems and equipment for the efficient use of energy, and lighting efficiency standards for buildings intended for human occupancy which are lighted.

303.1(2) Applicability.

Rules 661—303.1(103A) through 661—303.3(103A) apply to design and construction of buildings which are intended for human occupancy throughout the state of Iowa. Any construction of buildings or facilities which are intended for human occupancy and which are heated or cooled is covered, with the exception of renovation and remodeling of residential buildings of one or two dwelling units, which are not covered. Rule 661—303.2(103A) establishes standards for design and construction of residential buildings of three or fewer stories. Rule 661—303.3(103A) establishes standards for design and construction of commercial buildings and residential buildings of four or more stories. The occupancy of any building covered by this chapter shall be determined based upon the occupancy definitions in chapter 3 of the International Building Code, 2006 edition.

303.1(3) Review by architect or engineer.

a. Review required.

The plans and specifications for all buildings to be constructed which exceed a total volume of 100,000 cubic feet of enclosed space that is heated or cooled shall be reviewed by a registered architect or licensed professional engineer for compliance with applicable energy efficiency standards.

b. Statement of review.

A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be signed and sealed by the responsible registered architect or licensed professional engineer. This statement shall be filed with the commissioner or a local building official on a form approved by the commissioner prior to construction or before obtaining any local permits. The statement shall be filed with the commissioner for any project which is subject to plan review by the building code bureau.

c. Additional buildings.

If the plans and specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure which has been previously approved shall not require a review because of these changes, provided the basic structure remains unchanged and no additional energy is required for heating, cooling or lighting.

d. Changes to approved plans.

Prior to the completion of construction, no changes shall be made to any approved plan or specifications which increase the amount of energy used for heating, cooling, or lighting, unless the changes are approved by the responsible registered architect or licensed professional engineer in writing and notice has been filed with the commissioner or a local building official. The commissioner or a local building official shall be notified of any change which is anticipated to decrease the amount of energy used. Notification pursuant to this paragraph shall be to the commissioner for any project which is subject to plan review by the building code bureau.

661—303.2 (103A) Residential energy code.

The International Energy Conservation Code, 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, is adopted by reference as the residential energy code of the state of Iowa building code, applicable to residential construction limited to three or fewer stories throughout the state of Iowa, with the following amendments:

Delete section 101.1.

Delete section 101.2.

Delete section 103.3.1.

Delete section 103.3.2.

Delete section 103.3.3.

Delete section 103.4.

Delete section 103.5.

Delete sections 104, 107, 108, and 109 and all sections contained within each of these.

Delete chapter 5.

661—303.3 (103A) Adoption of nonresidential energy code.

The International Energy Conservation Code, 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, is hereby adopted by reference as the nonresidential energy code of the state building code, applicable to commercial construction or residential construction of four or more stories within the state of Iowa, with the following amendments:

Delete section 101.1.

Delete section 101.2.

Delete section 103.3.1.

Delete section 103.3.2.

Delete section 103.3.3.

Delete section 103.4.

Delete section 103.5.

Delete sections 104, 107, 108, and 109 and all sections contained within each of these.

Delete chapter 4.

661—303.4 (470) Life cycle cost analysis.

303.4(1) *Submission required.*

Any public agency as defined by Iowa Code section 470.1 shall prepare a life cycle cost analysis for any new construction having 20,000 square feet of usable floor space which is heated or cooled by a mechanical or electrical system or for any renovation where additions or alterations exceed 50 percent of the value of the facility and affect an energy system. The life cycle cost analysis shall be prepared in compliance with Iowa Code chapter 470 and shall be submitted to the state building code commissioner before construction commences.

303.4(2) *Notification by state agency.*

Any public agency which is a state agency as defined in Iowa Code section 7D.34 shall, within 60 days of final selection of a design architect or engineer, notify the commissioner and the office of energy independence of the methodology to be used to perform the life cycle cost analysis. Notice shall be given on the forms provided by the office of energy independence for this purpose. A life cycle cost analysis prepared by a state agency shall be submitted in sufficient time ahead of the release of plans for bids to allow for revisions or additions which may be made to the plans. Public funds shall not be used for the construction or renovation of a facility unless the design for the work is prepared in accordance with Iowa Code chapter 470 and the actual construction or renovation is consistent with the design.

303.4(3) *Exemptions from implementation.*

Any public agency responsible for construction or renovation of a public facility shall implement the recommendation of the life cycle cost analysis except as provided in this subrule.

- a. A public agency responsible for construction or renovation of a public facility may apply to the commissioner for exemption from any recommendation of the life cycle cost analysis.
- b. The public agency shall implement all recommendations of the life cycle cost analysis except those which have been approved for exemption by the commissioner and the director of the office of energy independence.

Exception: The public agency is not required to implement any recommendation which would result in a violation of any other provision of law. If the public agency determines that compliance with any recommendation of the life cycle cost analysis would result in a violation of law, the public agency shall so notify the commissioner.

- c. The commissioner and the director of the office of energy independence shall evaluate each request for an exemption on a case-by-case basis.
- d. The commissioner and the director of the office of energy independence shall consider the following factors in determining whether or not to grant an exemption:
 - (1) The purpose of the facility or renovation;
 - (2) Preservation of historic architectural features;
 - (3) Site considerations;
 - (4) Health and safety concerns;
 - (5) Compliance with any other provisions of law; and
 - (6) The technical feasibility of implementing the recommendation. "Technically feasible" means that a

recommendation may be implemented without altering major structural features of an existing facility.

661—303.5 (103A) Energy review fee.

The fee for filing an energy review shall be \$25. Payment of the fee, by money order, check, or warrant made payable to Treasurer, State of Iowa, shall be included with the submission of documents for an energy review.

These rules are intended to implement Iowa Code chapter 103A.

[Filed 12/2/05, Notice 9/14/05—published 12/21/05, effective 4/1/06]

[Filed emergency 6/9/06—published 7/5/06, effective 7/1/06]

[Filed 10/5/06, Notice 7/5/06—published 10/25/06, effective 1/1/07]

[Filed 10/31/07, Notice 9/12/07—published 11/21/07, effective 1/1/08]

[Filed emergency 6/11/08—published 7/2/08, effective 6/15/08]

661—303.2 and 661—303.3 and 661—303.4

ORDINANCE # 6058

AN ORDINANCE to amend Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, by enacting a new Chapter 13.20 to be codified and entitled “Energy Conservation Code”.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. ADOPTION

That Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended by enacting a new Chapter 13.20 to be codified and entitled “Energy Conservation Code”, to read as follows:

SECTION 13.20.010 ADOPTION.

That a certain document being marked and designated as the 2009 edition of the International Energy Conservation Code, excluding any appendix chapters, as published by the International Code Council of Falls Church, VA, including the recognized code Referenced Standards contained in Chapter 6 all as modified or amended in the International Energy Conservation Code referenced herein; be and the same are adopted as the Energy Conservation Code of the City of Council Bluffs, Iowa, which is on file and open for inspection by the public in the office of the Building Official, are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

The City of Council Bluffs Energy Code shall coincide with the State of Iowa Energy Code as adopted, amended, and mandated by the State of Iowa Public Safety Department as described in the Iowa Administrative Code in Section 661- 303(103A) entitled “State Building Code – Requirements for Energy Conservation in Construction”, except for any administrative provisions.

SECTION 2. PROVISIONS.

The above adopted edition of the International Energy Conservation Code shall have these provisions as follows:

SECTION 13.20.020 ADMINISTRATIVE PROVISIONS. The administrative provisions of Section 102 through Section 109 in this Energy Conservation Code shall be as provided for in Chapter 13.01 of the Municipal Code.

SECTION 13.20.030 PROVISIONS. This energy code shall regulate the design and construction of buildings for the effective use of energy.

This Energy Conservation Code shall be applicable within the city limits of Council Bluffs, Iowa, which provides for each and all of the regulations, provisions, conditions and terms of the International Energy Conservation Code as published by the International Code Council.

The Energy Conservation Code scope shall establish thermal and lighting efficiency standards for the design of new buildings and structures or portions thereof and additions to existing buildings which provide facilities or shelter intended primarily for human occupancy or use by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating, electrical distribution and illuminating systems and equipment for the efficient use of energy.

SECTION 3. REFERENCED STANDARDS.

The reference to the “International Plumbing Code” in the Standards of Chapter 6 shall be amended to the plumbing code as adopted in Chapter 13.12 of the Municipal Code.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- -10) as by law provided.

PASSED

AND

APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest:

Marcia L. Worden, City Clerk

First Consideration: 3/8/2010
Public Hearing: None required
Second Consideration: 3/29/2010
Third Consideration:

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6059</u>	First Reading: <u>3/8/2010</u> Second Reading <u>3/29/2010</u> Third Reading
Subject/Title		
AN ORDINANCE to amend Chapter 13.12 entitled "Plumbing Code" of Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by adding Section 13.12.024 entitled "Administrative Provisions", by adding Section 13.12.026 entitled "Fuel Gas Piping", by adding Section 13.12.028 entitled "Code Amendments", and by deleting Sections 13.12.030 to 13.12.110 to be codified.		
Background/Discussion		
<p>The State of Iowa mandates that jurisdictions adopt the State Plumbing Code as amended by the State Department of Health and described in Title 641 of the Iowa Administrative Code in Chapter 25 Section 641-25.1(135).</p> <p>The adoption of the Plumbing Code as found in Municipal Code Section 13.12.010 is a part of this ordinance.</p> <p>This ordinance advises that the Administrative Provisions of Chapter 1 of the Uniform Plumbing Code will now be found in Chapter 13.01 of the Municipal Code.</p> <p>This ordinance declares that the Fuel Gas Piping provisions shall be as adopted and amended by the State of Iowa.</p> <p>This ordinance advises the Amendments to the Plumbing Code are to be as currently adopted by the State of Iowa.</p>		
Recommendation		
The Public Works Director and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.		

Public Works Director's Signature

Mayor's Signature

Building Official's Signature

CHAPTER 25

STATE PLUMBING CODE

[Prior to 7/29/87, see Health Department[470] Ch 25]

641—25.1(135) Adoption. Sections of Chapter 1 listed below, Chapters 2 to 10, and Chapters 13 to 15 of the Uniform Plumbing Code, 2000 Edition, as published by the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789-2825, are hereby adopted by reference with amendments as the state plumbing code authorized by Iowa Code section 135.11(5).

101.3 101.5 103.8 101.4 103.5.3

Local ordinances or rules and regulations may provide for higher but not lower standards than those found in the state plumbing code. Local ordinances or rules and regulations shall be consistent with Iowa Code section 364.3(3).

641—25.2(135) Applicability. The provisions of this code are applicable to the plumbing in buildings or on premises within cities and to plumbing in a building or on premises located outside the corporate limits of any city if the building or premises is served by an individual connection to a municipally owned water distribution system or wastewater collection system.

641—25.3(135) Fuel gas piping. Fuel gas piping shall comply with the requirements of ANSI/NFPA 54, National Fuel Gas Code, 1999 Edition. Liquefied petroleum gas facilities and appliances shall comply with the requirements of ANSI/NFPA 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, 2001 Edition.

641—25.4(135) Amendments to the Uniform Plumbing Code.

25.4(1) Section 413.1. Add the following after the table and before the footnotes: A restaurant with an occupancy of 50 or less complies with these requirements if it has one restroom with one water closet and one lavatory.

NOTE: The rules of the Iowa department of inspections and appeals require that separate restrooms for males and females be provided in facilities that serve beer or liquor (481—31.9(137F)). Urinal requirements apply only to male-only restrooms. The division of occupancy is to be based upon one half being male and one half being female. The

number of occupants shall be determined by use and the occupancy class of the state building code or the local building code that is in effect.

The number of fixtures may be graduated within the group. Example: 8:101-200

4 fixtures are required for 100 persons.

5 fixtures are required for 101-125 persons.

6 fixtures are required for 126-150 persons.

7 fixtures are required for 151-175 persons.

8 fixtures are required for 176-200 persons.

Accessibility for the physically disabled shall be provided as required by Iowa Code chapter 103A.

25.4(2) Section 501.0. Delete the second sentence of the section and delete Table 5-1.

25.4(3) Section 510.8. Delete the section.

25.4(4) Section 603.2. Delete subsection 603.2.3.

25.4(5) Section 603.4. Delete the text of subsection 603.4.13 and insert in lieu thereof the following:

The potable water supply to carbonator shall be protected by a stainless steel dual check valve with an atmospheric vent as approved by the administrative authority for the specific use.

25.4(6) Section 604.1.

Add a note to the end of the section:

NOTE: The use of plastic water supply pipe above grade inside certain licensed care facilities is prohibited by the rules of the Iowa department of inspections and appeals [481—subrules 60.11(4) and 61.11(4), Iowa Administrative Code].

25.4(7) Section 604.2. Delete the section and insert in lieu thereof the following:

604.2 Copper tube for water piping shall have a weight of not less than Type M copper tubing.

EXCEPTION: Copper tube for underground water piping shall have a weight of not less than Type K copper tubing.

25.4(8) Section 701.1. Delete subsections 701.1.4 and 701.1.5 and insert in lieu thereof:

701.1.4 Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper drainage tube Type L.

701.1.5 Copper tube for aboveground drainage and vent piping shall have a weight of not less than that of copper drainage tubing Type M.

EXCEPTION: Type DWV may be used in one- and two-family dwellings.

25.4(9) Section 703.1. Add this sentence to the end of the section:

No underground drainage piping shall be less than two inches in diameter.

25.4(10) Section 710.1. Add the following sentences to the end of the section:

The requirement for the installation of a backwater valve shall apply only when it is determined necessary by the administrative authority based on local conditions. When a valve is required by the administrative authority, it shall be a manually operated gate valve or fullway ball valve. An automatic backwater valve may also be installed, but is not required.

25.4(11) Section 710.14. Delete the section.

25.4(12) Section 717.0. Add this sentence to the end of the section:

The minimum diameter for a building sewer shall be four inches.

25.4(13) Section 807.4. Delete the section and insert in lieu thereof the following:

807.4 No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher air gap fitting on the discharge side of the dishwashing machine, or by looping the discharge line of the dishwasher as high as possible near the flood level of the kitchen sink where the waste disposer is connected. Listed air gap fittings shall be installed with the flood level (FL) marking at or above the flood level of the sink or drainboard, whichever is higher.

25.4(14) Section 903.2. Delete subsections 903.2.1 and 903.2.2 and insert in lieu thereof the following:

903.2.1 Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper drainage tube Type L.

903.2.2 Copper tube for aboveground drainage and vent piping shall have a weight of not less than that of copper drainage tubing Type M.

EXCEPTION: Type DWV may be used in one- and two-family dwellings.

25.4(15) Section 904.1. Delete the third sentence of the section and the exception and insert in lieu thereof the following:

No underground vent piping shall be less than two inches in diameter. Each building shall have a vent stack or main vent equal in size or larger than the required building sewer. The vent stack or main vent shall extend through the roof undiminished in size.

EXCEPTION: In residential buildings of four stories or less, a three-inch vent stack or main vent is permitted. For the purposes of this exception, "residential" includes hotels and motels.

25.4(16) Section 906.7. Change "two (2) inches (50.8 mm)" to "three (3) inches (76.2 mm)".

25.4(17) Section 908.0. Delete "Vertical" from the section title.

25.4(18) Section 908.1. Delete "vertical" in the first sentence of the section.

25.4(19) Section 1002.2. Delete Table 10-1 and insert in lieu thereof the following:

TABLE 10-1

Horizontal Distance of Trap Arms

(Except for water closets and similar fixtures)*

Trap Arm Size Distance Trap to Vent

Inches Millimeters Feet Meters

1¼ 31.8 5 1.52

1½ 38.1 6 1.83

2 50.8 8 2.44

3 76.2 12 3.66

4 and larger 102 and larger 12 3.66

Slope one-fourth (1/4) inch per foot (20.9 mm/m)

*The developed length between the trap of a water closet or similar fixture (measured from the top of the closet ring (closet flange) to the inner edge of the vent) and its vent shall not exceed six (6) feet (1.8 m).

25.4(20) Appendices. Chapter 11 and the appendices in the Uniform Plumbing Code are not approved as part of the Iowa state plumbing code; however, except for Appendix K (private sewage disposal), Chapter 11 and the appendices may be used as a point of reference when circumstances warrant.

567—Chapter 69, Iowa Administrative Code, is the standard for private sewage disposal. Chapter 12 of the Uniform Plumbing Code, 2000 Edition, may be used to govern fuel gas piping except as it conflicts with ANSI/NFPA 54, National Fuel Gas Code, 1999 Edition, or ANSI/NFPA 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, 2001 Edition.

641—25.5(135) Backflow prevention with containment. Cities with populations of 15,000 or greater as determined by the 1990 census or any subsequent special census shall enact a backflow prevention program with containment by January 1, 1996. The minimum requirements for a program are given in subrules 25.5(1) through 25.5(5). These requirements are in addition to the applicable requirements of Section 603 of the Uniform Plumbing Code, 2000 Edition.

25.5(1) Definitions. The following definitions are added to those in Chapter 2 and Section 603 of the Uniform Plumbing Code, 2000 Edition, or are modified from those definitions for the purposes of rule 641—25.5(135) only.

a. Administrative authority. The administrative authority for this rule is the city council and its designees.

b. Approved backflow prevention assembly for containment. Approved backflow prevention assembly for containment means a backflow prevention assembly which is approved by the University of Southern California—Foundation for Cross Connection Control and Hydraulic Research. The approval listing shall include the limitations of use based on the degree of hazard. The backflow prevention assembly shall also be listed by the International Association of Plumbing and Mechanical Officials (IAPMO) or by the American Society of Sanitary Engineering (ASSE) as having met the requirements of one of the standards listed below.

Standard Product Covered

ANSI/ASSE* 1013-1999 Reduced Pressure Principle Backflow Preventers

ANSI/ASSE* 1015-1999 Double Check Backflow Prevention Assembly

ANSI/ASSE* 1047-1999 Reduced Pressure Detector Backflow Preventer

ANSI/ASSE* 1048-1999 Double Check Detector Assembly Backflow Preventer

ANSI/AWWA† C510-97 Double Check Valve Backflow Prevention Assembly

ANSI/AWWA† C511-97 Reduced-Pressure Principle Backflow Prevention Assembly

□American National Standards Institute, 1819 L Street NW, Washington, DC 20036

*American Society of Sanitary Engineering, 28901 Clemens Road, Suite 100, Westlake, OH 44145

†American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235

c. Approved backflow prevention assembly for containment in a fire protection system. Approved backflow prevention assembly for containment in a fire protection system means a backflow prevention assembly to be used in a fire protection system which meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL) in addition to the requirements of 25.5(1) “b.”

d. Containment. Containment is a method of backflow prevention which requires a backflow prevention assembly on certain water services. Containment requires that the backflow prevention assembly be installed on the water service as close to the public water supply main as is practical.

e. Customer. Customer means the owner, operator or occupant of a building or property which has a water service from a public water system, or the owner or operator of a private water system which has a water service from a public water system.

f. Degree of hazard. Degree of hazard means the rating of a cross connection or a water service which indicates if it has the potential to cause contamination (high hazard) or pollution (low hazard).

g. Water service. Depending on the context, water service is the physical connection between a public water system and a customer’s building, property or private water system, or the act of providing potable water from a public water system to a customer.

25.5(2) *Proposed water service.*

- a.* No person shall install, or cause to have installed, a water service to a building, property or private water system before the administrative authority has evaluated the proposed water service for degree of hazard.
- b.* The administrative authority shall require the submission of plans, specifications and other information deemed necessary for a building, property or private water system to which a water service is proposed. The administrative authority shall review the information submitted to determine if cross connections will exist and the degree of hazard.
- c.* The owner of a building, property or private water system shall install, or cause to have installed, an approved backflow prevention assembly for containment as directed by the administrative authority before water service is initiated.
- d.* Reconstruction of an existing water service shall be treated as a proposed water service for the purposes of rule 641—25.5(135).

25.5(3) *Existing water services.*

- a.* The administrative authority shall publish the standards which it uses to determine the degree of hazard for a water service. These shall be consistent with standards published by the Iowa Department of Public Health.
- b.* Each customer shall survey the activities and processes which receive water from the water service and shall report to the administrative authority if cross connections exist and the degree of hazard.
- c.* The administrative authority may inspect the plumbing of any building, property and private water system which has a water service to determine if cross connections exist and the degree of hazard.
- d.* If, based on information provided through 25.5(3) “*b*” and “*c*,” the administrative authority determines that a water service may contaminate the public water supply, the administrative authority shall require that the customer install the appropriate backflow prevention assembly for containment.
- e.* If a customer refuses to install a backflow prevention assembly for containment when it is required by the administrative authority, the administrative authority may order that water service to the customer be discontinued until an appropriate backflow prevention assembly is installed.

25.5(4) *Backflow prevention assemblies for containment.*

- a.* Backflow prevention assemblies for containment shall be installed immediately following the water meter or as close to that location as deemed practical by the administrative authority.
- b.* A water service determined to present a high hazard shall be protected by an air gap or an approved reduced-pressure principle backflow prevention assembly.
- c.* A water service determined to present a low hazard shall be protected by an approved double check valve assembly or as in 25.5(4) “*b*.”
- d.* A water service to a fire protection system shall be protected from backflow in accordance with the recommendations of American Water Works Association Manual M14. Where backflow prevention is required for a fire protection system, an approved backflow prevention assembly for containment in a fire protection system shall be used.

25.5(5) *Backflow incidents.*

- a.* The customer shall immediately notify the agency providing water service when the customer becomes aware that backflow has occurred in the building, property or private water system receiving water service.
- b.* The administrative authority may order that a water service be temporarily shut off when a backflow occurs in a customer’s building, property or private water system.

These rules are intended to implement Iowa Code chapter 135.

[Filed 12/3/81, Notice 9/2/81—published 12/23/81, effective 1/27/82]

[Filed 2/24/84, Notice 10/26/83—published 3/14/84, effective 4/18/84]

[Filed emergency 7/11/86 after Notice 4/23/86—published 7/30/86, effective 7/11/86]

[Filed emergency 7/10/87—published 7/29/87, effective 7/10/87]

[Filed 1/17/89, Notice 11/16/88—published 2/8/89, effective 3/15/89]

[Filed 7/17/92, Notice 1/22/92—published 8/5/92, effective 9/9/92]

[Filed 5/13/96, Notice 3/13/96—published 6/5/96, effective 7/10/96]

[Filed 9/14/01, Notice 8/8/01—published 10/3/01, effective 11/19/01]

ORDINANCE # 6059

AN ORDINANCE to amend Chapter 13.12 entitled “Plumbing Code” of Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, by adding Section 13.12.024 entitled “Administrative Provisions”, by adding Section 13.12.026 entitled “Fuel Gas Piping”, by adding Section 13.12.028 entitled “Code Amendments”, and by deleting Sections 13.12.030 to 13.12.110 to be codified.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. PROVISIONS.

That Chapter 13.12 entitled “Plumbing Code” of Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended by adding Section 13.12.024 entitled “Administrative Provisions” and Section 13.12.026 entitled “Fuel Gas Piping”, to be codified and to read as follows:

SECTION 13.12.024 ADMINISTRATIVE PROVISIONS. The Chapter 1 administrative provisions for the Plumbing Code shall be as provided for in Chapter 13.01 of the Municipal Code.

SECTION 13.12.026 FUEL GAS PIPING.

The City of Council Bluffs shall be consistent with the State of Iowa Fuel Gas Piping Code that is currently adopted by the State of Iowa Health Department as found in IAC 641-25.3(135). The Fuel Gas Piping Code shall be the editions as adopted by the State of Iowa of the ANSI/NFPA 54, National Fuel Gas Code, and the liquefied petroleum gas facilities and appliances shall comply with the requirements of ANSI/NFPA 58, Standard for the Storage and Handling of Liquefied Petroleum Gases.

SECTION 2. DELETIONS.

That Chapter 13.12 entitled “Plumbing Code” of Title 13 entitled “Building and Construction” of the Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing Sections 13.12.030 through and including Section 13.12.110 of the Municipal Code.

SECTION 3. CODE AMENDMENTS.

SECTION 13.12.028 AMENDMENTS.

1. The Plumbing Code shall be as amended by the State of Iowa in IAC 641-25.4(135)
2. The Chapter 1 administrative provisions shall be as per Chapter 13.01 of the Municipal Code.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful

provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 2010) as by law provided.

PASSED
AND
APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: 3/8/2010
Second Consideration: 3/29/2010
Third Consideration:

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6060</u>	First Reading <u>3/8/2010</u> Public Hearing N/A Second Reading <u>3/29/2010</u> Third Reading
Subject/Title		
AN ORDINANCE to amend Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 13.16 in its entirety and enacting a new Chapter 13.16 to be codified and entitled "Electrical Code".		
Background/Discussion		
This proposed ordinance updates the National Electrical Code from the 2002 edition to the 2008 edition which will make it consistent with the State of Iowa Code as adopted, amended, and mandated by the State of Iowa Public Safety Department in the Iowa Administrative Code Section 661-301.5 (103A).		
Significant Amendments		
The administrative provisions for this code are proposed to be moved to Chapter 13.01 of the Municipal Code for conformity and simplicity. The proposed amendments are the same as the State of Iowa. These amendments are required for new construction and major alterations.		
Recommendation		
The Public Works Director and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.		

Public Works Director's Signature

Mayor's Signature

Building Official's Signature

661—301.5

(103A)

Electrical requirements.

The provisions of the National Electrical Code, 2008 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, are hereby adopted by reference as the requirements for electrical installations, with the following amendment:

Delete section 210.8, paragraph (A) and insert in lieu thereof the following new paragraph:

(A) Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms.

(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2): Receptacles that are not readily accessible.

Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

(3) Outdoors.

Exception to (3): Receptacles that are not readily accessible and are supplied by a dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.28.

(4) Crawl spaces—at or below grade level.

(5) Unfinished basements—for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5): Receptacles that are not readily accessible.

Exception No. 2 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Exception No. 3 to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens—where the receptacles are installed to serve the countertop surfaces.

(7) Laundry, utility, and wet bar sinks—where the receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink.

(8) Boathouses.

ORDINANCE # 6060

AN ORDINANCE to amend Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 13.16 in its entirety and enacting a new Chapter 13.16 to be codified and entitled “Electrical Code”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. ADOPTION.

That Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing Chapter 13.16 in its entirety and enacting a new Chapter 13.16 to be codified and entitled “Electrical Code”, to read as follows:

SECTION 13.16.010 ADOPTION.

That a certain document being designated as the National Electrical Code as published by National Fire Protection Association of Quincy, Massachusetts, the same is adopted as the Electrical Code of the city of Council Bluffs, Iowa, which is on file and open for inspection by the public in the office of the Building Official, is hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

The city of Council Bluffs Electrical Code shall coincide with the State of Iowa Electrical Code as adopted, amended, and mandated by the State of Iowa Public Safety Department as described in the Iowa Administrative Code in Section 661-301.5 (103A) entitled “Electrical requirements” except for any administrative provisions.

SECTION 2. SPECIAL PROVISIONS.

The above adopted National Electrical Code shall have these special provisions as follows:

SECTION 13.16.020 ADMINISTRATIVE PROVISIONS. The administrative provisions for this Electrical Code shall be as provided for in Chapter 13.01 of the Municipal Code.

SECTION 13.16.030 GENERAL PROVISIONS.

This electrical code shall regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacements, additions to, use or maintenance of electrical systems that are permanently installed and utilized to provide control of electrical systems and electrical equipment within buildings, structures, and facilities.

This Electrical Code shall be enforced within the city limits of Council Bluffs, Iowa, which provides for issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, conditions and terms of the National Electrical Code as published by the NFPA.

SECTION 3. STANDARDS

13.16.200 - Electrical Standards. These additional electrical standards are also adopted in full in their most current published edition as follows:

- (1) The Electric Service Manual as published by MidAmerican Energy;
- (2) The Standards for Safety for Electric Signs by Underwriters Laboratories, Inc.;
- (3) The NFPA 496 Purged and Pressurized Enclosures for Electrical Equipment;
- (4) The NFPA 820 Fire Protection in Wastewater Treatment & Collection Facilities;
- (5) The NFPA 30 Flammable and Combustible Liquids Code;
- (6) The NFPA 99 Health Care Facilities;
- (7) The NFPA 20 Standard for the Installation of Centrifugal Fire Pumps; and
- (8) The NFPA 101 Life Safety Code;
- (9) The NFPA 73 Electrical Inspection Code for Existing Dwellings; and
- (10) The NESC National Electrical Safety Code;

The above standards shall serve as additional rules and requirements where applicable for electrical construction work. The provisions set forth in these regulations shall govern when requiring a higher minimum standard than set out in the National Electrical Code as adopted.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 10) as by law provided.

PASSED

AND

APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

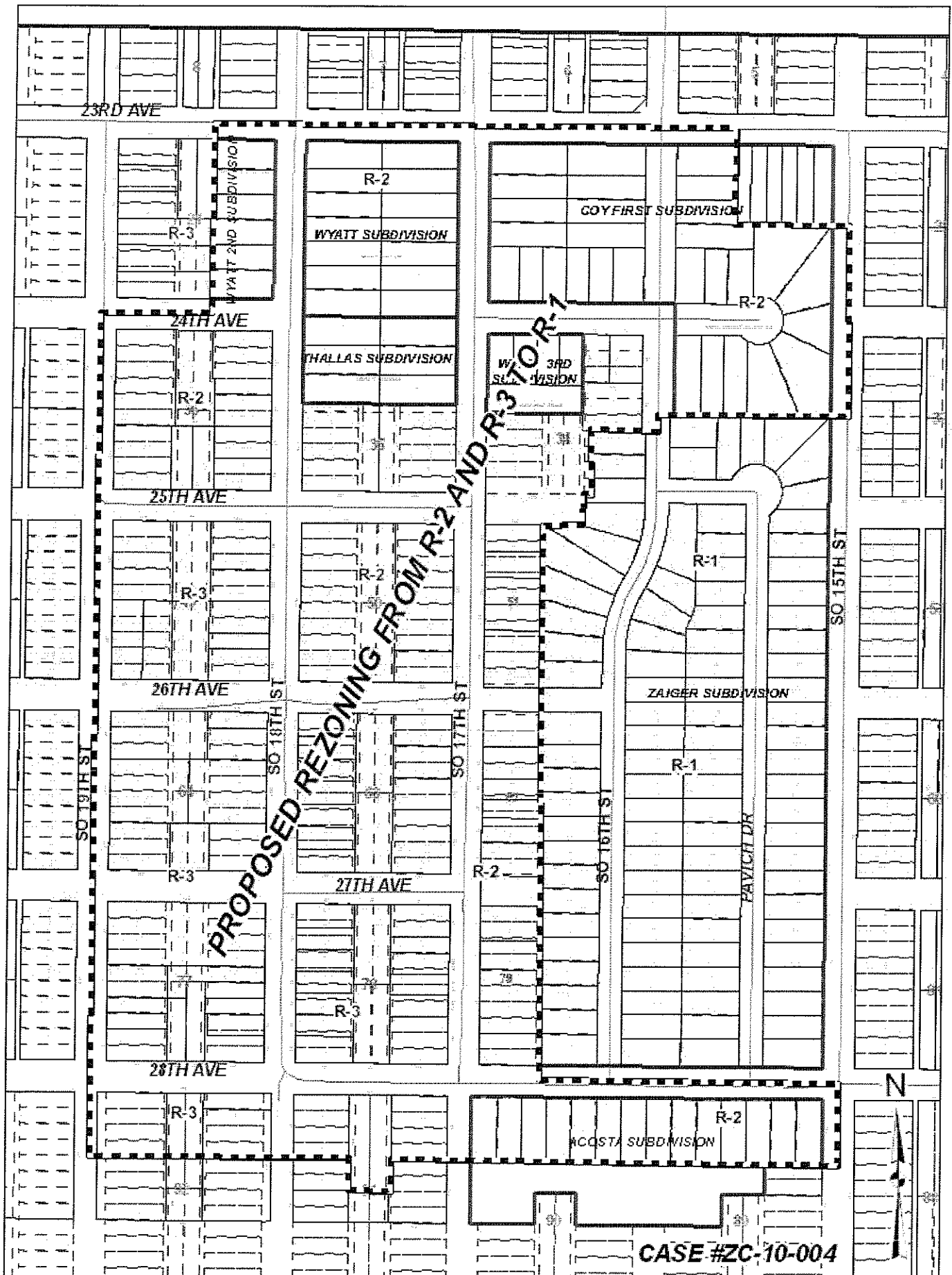
Attest:

Marcia L. Worden, City Clerk

First Consideration: 3/8/2010
Public Hearing: N/A
Second Consideration: 3/29/2010
Third Consideration:

Council Communication

Department: Community Development Case #ZC-10-004 Applicant: Community Development Department	Ordinance No. <u>6061</u>	City Council: 03/29/10 Planning Commission: 03/09/10 First Reading: 3/29/2010 Second Reading: 4/12/2010 Third Reading:
<p style="text-align: center;">Subject</p> <p>Request of the Community Development Department to rezone Lots 16 through 24, Block 78, Lots 1 through 4 and Lots 23 through 28, Block 91, the remainder of Blocks 34, 35, 51, 62 and 79 and all of Blocks 36, 50 and 63, Railroad Addition, all of Acosta Subdivision, Thallas Subdivision, Wyatt Subdivision, Wyatt 3rd Subdivision and Lots 1 through 29, Coy First Subdivision from R-2/Two Family Residential to R-1/Single Family Residential and to rezone Lots 1 through 15, Block 78, Lots 1 through 4, Lots 23 through 26 and the North 132 feet of Lots 27 and 28, Block 92 and all of Blocks 49, 64 and 77, Railroad Addition and all of Wyatt 2nd Subdivision from R-3/Low Density Multi-Family Residential to R-1/Single Family Residential. (These rezoning descriptions shall include any abutting vacated right-of-way). This area is generally located between South 15th and South 19th Streets, from 23rd Avenue to one-half block south of 28th Avenue as shown on the attached map.</p>		
<p style="text-align: center;">Background</p> <p>The Community Development Department is proposing that the above described property be down-zoned from R-2/Two Family Residential and R-3/Low Density Multi-family Residential to R-1/Single Family Residential. Significant public and private investment has been made in this area to promote single family development. Rezoning is required to best preserve this investment in the future. There are currently 147 residential structures within the subject area, all of which are single family.</p> <p>No adverse comments have been received from any City department or utility.</p> <p>All property owners within the area were notified, by mail, of the proposed rezoning. Nineteen of those owners have contacted the Community Development Department requesting additional information. No opposition has been received. One owner within 200 feet also requested additional information.</p>		
<p style="text-align: center;">Discussion</p> <p>In 1928 the subject area was zoned "F-Open Space". With the adoption of the 1965 Zoning Map, it was rezoned to R-2/Two Family Residential. Over the past few years, significant residential development has taken place within this area. These properties should be rezoned to R-1 in order to protect the existing single family character of the neighborhood.</p>		
<p style="text-align: center;">Recommendation</p> <p>The Community Development Department recommends rezoning the properties as described above from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to R-1/Single Family Residential.</p>		
<p style="text-align: center;">Public Hearing</p> <p>Gayle Malmquist appeared before the Planning Commission in favor of the request. Wayne Goff, 2037 23rd Avenue and Dave Chubb, 2411 South 17th Street appeared before the Planning Commission with questions regarding future use and road reconstruction.</p>		
<p style="text-align: center;">Planning Commission Recommendation</p> <p>The Planning Commission recommends rezoning the properties as described above from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to R-1/Single Family Residential.</p>		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Map showing proposed rezoning area.		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department.		



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6061

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED BETWEEN SOUTH 15TH AND SOUTH 19TH STREETS, FROM 23RD AVENUE TO ONE-HALF BLOCK SOUTH OF 28TH AVENUE, FROM R-2/TWO FAMILY RESIDENTIAL AND R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, TO R-1/SINGLE FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.09, 15.10, AND 15.08B OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located between South 15th and South 19th Streets, from 23rd Avenue to one-half block south of 28th Avenue, as shown on the attached map, legally described as follows:

Lots 16 through 24, Block 78, Lots 1 through 4 and Lots 23 through 28, Block 91, the remainder of Blocks 34, 35, 51, 62 and 79 and all of Blocks 36, 50 and 63, Railroad Addition, all of Acosta Subdivision, Thallas Subdivision, Wyatt Subdivision, Wyatt 3rd Subdivision and Lots 1 through 29, Coy First Subdivision, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-2/Two Family Residential to R-1/Single Family Residential, as set forth and defined in Chapters 15.09 and 15.08B of the 2005 Municipal Code of Council Bluffs, Iowa; and

Lots 1 through 15, Block 78, Lots 1 through 4, Lots 23 through 26 and the North 132 feet of Lots 27 and 28, Block 92 and all of Blocks 49, 64 and 77, Railroad Addition and all of Wyatt 2nd Subdivision, in Council Bluffs Pottawattamie County, Iowa, from its present designation as R-3/Low Density Multi-Family Residential to R-1/Single Family Residential, as set forth and defined in Chapters 15.10 and 15.08B of the 2005 Municipal Code of Council Bluffs, Iowa. (These rezoning descriptions shall include any abutting vacated right of way.)

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: March 29, 2010
SECOND CONSIDERATION: April 12, 2010
PUBLIC HEARING: April 12, 2010
THIRD CONSIDERATION:

Planning Case No. ZC-10-004

Council Communication

Department and Applicant: Community Development Case No. ZC-10-003	Ordinance No. <u>6062</u>	City Council: 3-29-10 Planning Commission Meeting: 3-9-10 Public Hearing: 4-12-2010
Subject/Title Rezone approximately 1,058 acres of newly annexed land from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as: Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.		
Background/Discussion On August 10, 2009, the City Council passed Resolution No. 09-235 approving the voluntary annexation with owners in opposition of approximately 1,058 acres of land. The State notified the City that the approval process for the voluntary annexation as shown in Exhibit 'A' was complete on December 22, 2009. §15.27.030 of the Zoning Ordinance states that 'Annexed land shall retain the same zoning classification after annexation that it had prior to annexation. Those regulations shall remain in place until the City completes the legislative action to rezone the property.' The request is to rezone all of the newly annexed area (within the dark line) as shown on Exhibit 'A' to A-2/Parks, Estates and Agricultural District. The exhibit shows the existing County zoning both inside and outside of the City. Abutting land inside the City is generally zoned R-1/Single Family Residential. The Airport is zoned A-1/Open Space and Conservation District and conforms to the County Zoning Ordinance. Upon adoption of a proposed text amendment (Case #ZT-10-002), a secondary airport is a permitted use in an A-2 District. Existing commercial uses can continue as a legally nonconforming use, just as they were prior to annexation. The bulk of the recently annexed land is in large lot residential, undeveloped or in agricultural use, which conform to the A-2 regulations. Several owners have contacted the Department with questions regarding the impact of the rezoning on their property. The rezoning is consistent with the intent of the 1994 Comprehensive Plan, which calls for low density residential/neighborhood commercial and vacant/agricultural uses within the two miles surrounding the City. Change in land use for this area is not imminent. Development will require Planning Commission consideration and City Council action on rezoning and subdivision to allow for a new use.		
Recommendation The Community Development Department recommends rezoning consistent with the 1994 Comprehensive Plan, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as: Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.		
Public Hearing Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation The Planning Commission recommends rezoning consistent with the 1994 Comprehensive Plan, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as: Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachment: Zoning map – Exhibit 'A' and Chapter 15.05- A-2/Parks, Estates and Open Space District Prepared by: Gayle M. Malmquist, Development Services Coordinator		

Chapter 15.05

A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

Sections:

- 15.05.010 Statement of intent
- 15.05.020 Principal uses
- 15.05.030 Conditional uses
- 15.05.040 Accessory uses
- 15.05.050 Site development regulations
- 15.05.060 Additional regulations
- 15.05.070 Signs

15.05.010 Statement of intent. This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

15.05.020 Principal uses. The following principal uses shall be permitted outright in an A-2 district:

- 01. Animal production
- 02. Cemetery
- 03. Dwelling, single family detached
- 04. Family home
- 05. Government maintenance facility
- 06. Horticulture and crop production
- 07. Local utility services
- 08. Park and recreation services
- 09. Public campground
- 10. Public safety services
- 11. Religious assembly
- 12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres

(Ord. #5523, Sec. 1,10/23/00)

15.05.030 Conditional uses. The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.27 02:

- 01. Agricultural sales and service
- 02. Commercial recreation (outdoor)
- 03. Day care services

- 04. Extraction activity
 - 05. Funeral service in conjunction with a cemetery
 - 06. Outdoor firing range
 - 07. Private campground
 - 08. Sanitary landfill
 - 09. Rubble dump
- (Ord. #5523, Sec. 2, 10/23/00)

15.05.040 Accessory uses. Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

15.05.050 Site development regulations.

Minimum Lot Size

Lot area: 3 acres
 Lot width: 150 feet
 Lot depth: 200 feet

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front yard	50 feet	greater of 50 feet or existing front setback line of principal structure
Street side yard:	20 feet	20 feet
Side yard:	10 feet or 10% of lot width whichever is greater	10 feet or 10% of lot width or whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage: <u>- all structures</u>	10% maximum	

15.05.060 Additional regulations.

- 01. Reserved

15.05.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5285, 8/26/96)

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6062

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF APPROXIMATELY 1,058 ACRES OF NEWLY ANNEXED LAND FROM A-1/OPEN SPACE AND CONSERVATION DISTRICT, A-4/LOESS HILLS DISTRICT, R-2/URBAN TRANSITIONAL DISTRICT AND R-3/URBAN RESIDENTIAL DISTRICT (COUNTY) TO A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT (CITY), AS SET FORTH AND DEFINED IN CHAPTER 15.05 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of 1,058 acres of newly annexed land, as shown on Exhibit "A" and generally described as follows:

Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa, from its present designation as A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City), as set forth and defined in Chapter 15.05 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED AND APPROVED _____

Attest:

THOMAS P. HANAFAN Mayor

MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: March 29, 2010
SECOND CONSIDERATION: April 12, 2010
PUBLIC HEARING: April 12, 2010
THIRD CONSIDERATION:

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant: Dan Woellhof-CBO

Ordinance No. 6063
Resolution No. _____

First Reading March 29, 2010
Public Hearing April 12, 2010
Second Reading April 12, 2010
Third Reading _____

SUBJECT/TITLE

An ordinance to amend Title 13 entitled “Building Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending in part Chapter 13.27 to be entitled “Swimming Pool, Spa, and Hot Tub Code” and to be codified.

BACKGROUND/DISCUSSION

- This proposed ordinance updates the Uniform Swimming Pool, Spa, and Hot Tub Code from the 2000 edition to the 2009 edition.

SIGNIFICANT AMENDMENTS

- There does not appear to be any changes or additions to the published Code that will be controversial.

RECOMMENDATION

The Public Works Director and the Building Official recommend that the City Council favorably considered this proposed ordinance and pass it into law.

ORDINANCE 6063

AN ORDINANCE to amend Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending in part Chapter 13.27 to be entitled "Swimming Pool, Spa, and Hot Tub Code" and to be codified.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. ADOPTION.

13.27.010 amended – Adoption. That the section adopting this code shall read as follows: That a certain document being marked and designated as the "Uniform Swimming Pool, Spa, and Hot Tub Code", 2009 edition, as approved and published by the International Association of Plumbing and Mechanical Officials of Ontario, CA, including the recognized code Referenced Standards contained in USPSHTC Chapter 6 all as modified or amended therein; be and the same are adopted as the Uniform Swimming Pool, Spa, and Hot Tub Code of the City of Council Bluffs, Iowa, one copy of which is on file in the office of the Building Official of Council Bluffs. This adopted code regulates and governs the erection, installation, alteration, repair, relocation, replacement, addition to, use, and maintenance of Swimming Pool, Spa, and Hot Tub systems within this jurisdiction.

Each and all of these regulations, provisions, penalties, conditions and terms of this Swimming Pool, Spa, and Hot Tub Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, along with certain additions, insertions, deletions, and changes.

SECTION 2. AMENDMENTS.

Some of the existing amended sections of the "Swimming Pool, Spa, and Hot Tub Code" are hereby revised, deleted, and/or amended as follows:

13.27.015 USPSHTC Chapter 1 deleted – Administration.

USPSHTC Chapter 1 shall be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.27.020 deleted Section 101.3 - Scope.

USPSHTC Section 101.3 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.27.030 deleted Section 106.0 – Violation and Penalties.

USPSHTC Section 106.0 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.27.040 deleted Section 118.0 – Board of Appeals membership.

USPSHTC Section 118.0 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

SECTION 4. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 2010) as by law provided.

PASSED

AND

APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: March 29, 2010
Second Consideration: April 12, 2010
Public Hearing: April 12, 2010
Third Consideration: